

III. REMARKS

Claims 1, 3, 4, and 6-12 are pending. The specification is amended to correct a typographical error, claims 2 and 5 are canceled, and claims 1, 3, 4, 6, and 11-12 are amended in order to expedite prosecution. The amendments are supported by the originally filed specification and claims. No new matter is added.

At this time, Applicants also respectfully request rejoinder and allowance of previously withdrawn claims 11 and 12.

The specification is objected to. Applicants respectfully submit that this objection is overcome by the above amendments to the specification to insert a period, as requested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

The Declaration is objected to. Applicants respectfully submit that this objection is overcome by the enclosed executed Declaration, which clearly identifies the citizenship of each inventor as requested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the objection to the Declaration.

Claims 1-10 are objected for containing non-elected subject matter. This rejection is traversed.

Applicants respectfully submit that this objection is overcome by the above amendments to claims 1-10. Applicants respectfully submit that the elected subject matter must include the disclosed aromatic linker in the definition of Y of present claim 1, as the elected compound is present when Y is the disclosed aromatic linker. For example, the elected compound (XVA) is present in present claim 1 where:

R is the radical of gabapentin (i.e., in formula (II), $W = C$, $m = 1$, and $R_0 = -(CH_2)_n-COOR_y$, wherein $n = 1$ and $R_y = H$);

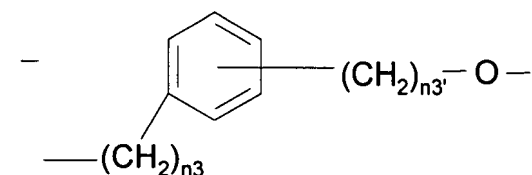
R_2 and R_1 with W , as defined above, form the cyclohexane ring;

R_{1C} is H;

$C = -T_c-Y-$ wherein

$T_c = CO$

Y is



wherein n_3 is 0 and n_3' is 1.

Accordingly, for at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the objection to claims 1-10.

Claims 1, 2, and 6 are also objected to for asserted informalities. Applicants respectfully submit that this objection is overcome by the above amendments to claims 1 and 6, as suggested by the Examiner, and the cancellation of claim 2. Accordingly, Applicants respectfully request withdrawal of the objection to claims 1, 2, and 6.

Claims 1-10 are rejected under 35 U.S.C. § 112, first paragraph for insufficient written description. This rejection is traversed.

Applicants respectfully note that the term "derivatives" does not appear in the present claims and that the phrase "nitrooxyderivatives or salts thereof" is sufficiently defined in specification and present claim 1 as "having the following general formula (I)." As such, the specification and claims clearly disclose what compounds are encompassed by the phrase "nitrooxyderivatives or salts thereof."

Accordingly, for at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-10 under 35 U.S.C. § 112, first paragraph.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph for asserted indefiniteness. Applicants respectfully submit that this objection is overcome by the above amendments to the claims to replace the phrases “having the following general formula” and “having the formula” with the phrase “of the formula”, as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph.

IV. CONCLUSION

For at least the above reasons, Applicants respectfully submit that this application is in condition for allowance and requests favorable action thereon. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referring to Attorney Docket No. 026220-00066. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00066.

Respectfully submitted,



Amy E.L. Schoenhard
Registration Number 46,512

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-857-6395

Enclosure: Declaration